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5 Attorneys for Defendants
D.R. Horton, Inc., DHI Mortgage Company, Ltd,
6 LP., Donald Horton, Donald Tomnitz, Michael
Mason, Daniel Callihan, Annie Schankin and James
7 Frasure

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 PATRICE A. MISSUD, JULIE D.
13 MISSUD,

14 Plaintiff,

15 vs.

16 D.R. HORTON, INC.; DHI MORTGAGE
COMPANY, LTD, LP.; DONALD
17 HORTON; DONALD TOMNITZ;
MICHAEL MASON; DANIEL
18 CALLIHAN; ANNIE SCHANKIN;
JAMES FRASURE; and DOES 1-200,

19 Defendants.
20

Case No. C07-2625 JL

**DECLARATION OF JAMES FRASURE IN
SUPPORT OF MOTION TO DISMISS**

Date: September 5, 2007

Time: 9:30 a.m.

Judge: Hon. James Larson

Wendel, Rosen, Black & Dean LLP
1111 Broadway, 24th Floor
Oakland, CA 94607-4038

1 I, James Frasure, declare:

2 1. I am, and at all times relevant herein was, employed by D.R. Horton, Inc. as a
3 Vice-President and as the President of the Las Vegas, Nevada division of D.R. Horton, Inc. I
4 have personal knowledge of the matters set forth herein and if called upon could testify
5 competently concerning them.

6 2. I had no involvement in the day to day handling of the sale of the residence located
7 at 1353 Romanesca Drive, Henderson, Nevada, to Mr. Missud and his wife, and I was not the
8 supervisor of the sales office that handled the sale of the home.

9 3. I reside and work in the state of Nevada and have done so for more than 14 years.

10 4. I have never worked in California. I have never lived in California. I have no
11 connections whatsoever with California.

12 I declare under penalty of perjury and the laws of the United States of America that the
13 foregoing is true and correct.

14 Dated: July 27, 2007


James Frasure